



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Amend Chapter 13.08 et seq. of the Lodi Municipal Code Entitled, "Water Service"

MEETING DATE: April 3, 1991

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council discuss the attached proposed draft ordinance, make the appropriate changes, if any, and introduce the ordinance for adoption.

BACKGROUND INFORMATION: The City Council at its meeting of March 6, 1991 considered a number of proposed changes in the City's water conservation effort. The March 6 minutes recapping the Council's action are attached for your reference. From the directives staff received at that meeting, we are commencing with miscellaneous studies and are proposing certain changes of the ordinance at this time.

The major changes being proposed are as follows:

1. Article III

The title of Article III is changed from "Waste" to "Water Conservation" to better reflect the intent of the ordinance.

2. Section 13.08.235A

A change in watering days is being proposed. The three main alternatives shown are: 1) Eliminate Monday as a watering day for all and making Sunday a watering day for odd addresses; 2) Eliminate Sunday as a watering day for both odd and even addresses; 3) Leave as existing.

3. Section 13.08.235B

Restriction of watering hours for lawns, landscaping, and gardens. Watering is not allowed from 10 a.m. to 6 p.m. daily from May 1 through September 30. This saves water lost to evaporation during the hottest parts of the year and helps with electrical peak shaving.

4. Section 13.08.230E (new)

When using a hose, it must have a positive shut-off nozzle. This is to stop the waste of allowing an open hose to run when set down or walking between watering areas.

APPROVED: _____

THOMAS A. PETERSON
City Manager



5. Section 13.08.240, Enforcement Procedures

- 1) Added a first warning before a written notice is mailed. This has been the policy, but not spelled out in the ordinance.
- 2) Defines a time limit for what constitutes subsequent violations as 12 months from a previous violation. This is not currently defined and can be interpreted as much longer than 12 months or less than 12 months.
- 3) Adjust the charges for waste of water which were established in 1977.

	<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>4th</u>	<u>5th</u>
Existing:	Notice	\$25	\$50	\$100	not addressed
Proposed:	Warning	Notice	\$35	\$75	\$150

- 4) Allow the City to install a flow restricter if all other means to abate water wasting have failed. A flow restricter will allow enough water for health purposes (drinking, toilet flushing, cooking), but not enough for high volume uses.

6. Section 13.08.250, Metering

Took out the metering section which conflicted with Section 13.08.240.

7. Section 13.08.265 (new)

Added a section titled "Appeals" which outlines to the citizen the procedures to follow if they disagree with a ruling by the Public Works Director.

8. Section 13.08.300 (new)

Added a section to address "Emergency Water Conservation". Gives powers to the Public Works Director to put in place, with proper notice, additional water restrictions depending on the severity of the emergency.

Under Section 13.08.235A, the City Council will have to discuss and make a decision on the appropriate watering days. Staff feels strongly that four watering days are not needed and there are many citizens watering on the fourth day only because it's available. All landscapers will agree that three watering days per week are sufficient for established plantings. The new ordinance does provide for needed additional watering of newly-planted material.

At the March 6 meeting, the Council approved having the users of large irrigated areas (i.e., Festival grounds, golf range, Caltrans, LUSD, and City of Lodi) submit an irrigation plan to reduce water consumption by 25 percent. It's our feeling that this should not go into the ordinance since it may be only a one-time requirement.

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We feel we can work with these agencies to provide us with the required plan on an informal basis. The City Attorney points out that if it's not made a part of the ordinance that we cannot enforce the requirement. It's our feeling that we can work informally with these agencies and still obtain the desired result.

The attached draft ordinance shows all of the proposed changes, additions, and deletions to the existing ordinance.

FUNDING: None required.


Jack L. Ronsko
Public Works Director

JLR/mt

Attachments

cc: City Attorney
Water/Wastewater Superintendent

ORDINANCE NO. 1510

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING LODI MUNICIPAL CODE CHAPTER 13.08 - WATER SERVICE -
ARTICLE III - WASTE

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 13.08 - Water Service -

Article III - Waste - is hereby amended to read in full as follows:

(See attached 7-page document)

Revisions of Water Conservation Ordinance

(Parts removed from the existing code are in ~~strikeout~~ and additions are underlined.)

Article III. ~~Waste~~ Water Conservation

13.08.220 ~~Prohibited~~ Waste.

The waste of water is prohibited and any waste ~~continued after notice thereof is given~~ shall make the person subject to the provisions of this article. (Prior code 26-21)

13.08.230 Defined.

"Waste of water" includes but is not limited to the following:

- A. Failure to repair a controllable leak of water;
- B. The watering of lawns, flowerbeds, landscaping, ornamental plants or gardens ~~throughout the year shall be limited to on days or at times other than those allowed in Section 13.08.235 of this article:~~
 - ~~1. Premises having odd house numbers, on Monday, Wednesday, Friday and Sunday;~~
 - ~~2. Premises having even numbers, on Tuesday, Thursday, Saturday and Sunday;~~
- C. Washing of sidewalks, driveways, parking areas, tennis courts, patios, streets or other exterior paved areas or buildings except when required to remove any spillage of substances that may be a danger to public health or safety;
- D. Washing with water any motor vehicles, trailers or moveable equipment other than with a bucket and rinsing the vehicle or equipment by use of a hose for not more than three minutes;
- E. Use of a hose without a positive shut off nozzle;

EE. The excess watering of any area so that water flows into a gutter or any drainage area for a period exceeding five three minutes;

H. The unnecessary running of water in any residential, commercial or industrial establishment onto the floor, pavement, ground or into any drain or drainage area, with any equipment or in any way for more than three minutes;

I. Over-watering of lawns or landscapes from November 1 through February 28, or during or immediately following a rain. (Prior code 26-22)

13.08.235 Watering days/hours.

A. Days. The watering of lawns, flowerbeds, landscaping, ornamental plants or gardens throughout the year shall be allowed as follows:

Alternate One

1. Premises having odd numbered street addresses on Wednesday, Friday and Sunday;
2. Premises having even numbered street addresses on Tuesday, Thursday, and Saturday.

Alternate Two

1. Premises having odd numbered street addresses on Monday, Wednesday, and Friday;
2. Premises having even numbered street addresses on Tuesday, Thursday, and Saturday.

Alternate Three

1. Premises having odd numbered street addresses on Monday, Wednesday, Friday and Sunday;
2. Premises having even numbered street addresses on Tuesday, Thursday, Saturday and Sunday.

B. Hours. Watering of lawns, flowerbeds, landscaping, ornamental plants or gardens shall be allowed at any hour except that between May 1 and September 30 (inclusive) of each year watering between the hours of 10 a.m. and 6 p.m. is prohibited.

13.08.240 ~~Water rates for wastage. Enforcement procedures.~~

~~--A. Whenever the city becomes aware a person wasting water, then the city shall deliver a written notice to the person at the premises where the waste of water occurs and, in the event that no person is present, then the notice of the wasting of the water shall be left at the premises and a copy of the notice shall be mailed to the person who is regularly billed for the use of water at the premises.~~

~~--B. This notice may be an addendum to the monthly utility bill. The notice may also be given to any other person known to the city who is responsible for the wasting of water or the correction thereof.~~

~~--C. The notice shall describe the wasting of water and order that it be corrected, cured or abated immediately or within such specified time as the city believes is reasonable under the circumstances.~~

~~--D. In the event of second similar wasting of water, then a like notice as described in subsection C of this section shall be served and delivered and there shall be added to the next regular monthly bill of the premises a charge of twenty five dollars for the use of the wasted water.~~

~~--E. A third similar wasting of water any person shall result in an additional charge for that use of fifty dollars.~~

~~--B--A fourth similar wasting of water by any person shall result in an additional charge for that use of one hundred dollars, and the city may also require the person to pay the cost of a meter and the installation thereof as a prerequisite to service. (Prior code 26-23)~~

A. Whenever the city becomes aware of a waste of water the city shall notify the person at the premises where the waste of water occurred by delivering an Information Sheet. The Information Sheet shall describe the waste of water in order that it be corrected, cured or abated immediately or within such specified time as the city believes is reasonable under the circumstances. In addition, the Information Sheet may be given to any other person known to the city who is responsible for that waste of water or the correction thereof and may be delivered to the premises every time a waste of water occurs.

B. In the event of a second waste of water within a 12 month period, the city will send a written notice stating the date(s), time(s) and type(s) of water waste to the person who regularly receives the utility bill for the premises where the wasting occurred.

C. In the event of a third waste of water within 12 months of any previous waste of water, a written notice will be mailed assessing a thirty-five dollar charge to be added to the next monthly utility bill.

D. In the event of a fourth waste of water within 12 months of any previous waste of water, a written notice will be mailed assessing a seventy-five dollar charge to be added to the next monthly utility bill.

E. In the event of a fifth or any subsequent waste of water within 12 months of any previous waste of water, a written notice will be mailed assessing a one hundred and fifty dollar charge to be added to the next monthly utility bill. The city may also require the owner or user to pay for the cost of installation of a water meter service as a prerequisite to continuing service. The city may also install a flow restriction device on the water service and require the owner or user to pay for the costs of installation and/or removal. (Prior code 26-23).

13.08.250 Metering

~~--In the event that any domestic, commercial or industrial user of the city water supply wastes water, whether or not the waste falls within the definition of Section 13.08.230, notice of acts constituting such wastes shall be given to the user. Upon failure to correct the wasting of water after notice, then the city may disconnect the service and require the installation of a meter at the expense of the customer prior to the resumption of the service. In addition, the user shall pay a reconnection fee of one hundred dollars. (Prior code 26-24)~~

13.08.260 Strict application

~~--If in the opinion of the public works director the public health or safety may suffer or an unnecessary or undue hardship may be suffered by the strict application of any of the provisions of this article, the public works director may waive a strict application of any of the provisions of this article. The decision of the public works director may be appealed to the city council. (Prior code 26-25)~~

If the public works director or a designated representative determines the strict application of any of the provisions of this article may cause undue hardship or public health or safety to suffer, or if other special circumstances exist, the strict application may be waived. Special circumstances would include, but not be limited to: newly planted areas, newly seeded areas, washing down after cement work and pressure washing a building before painting. The decision of the public works director may be appealed to the city council as described in 13.08.265 of this article. (Prior code 26-25)

13.08.265 Appeals.

If the ruling made by the public works director is unsatisfactory to the person requesting reconsideration, the person may, within twenty days after notification of the city's action, file a written appeal to the city council. The written appeal shall be heard by the council within twenty days from the date of filing. The city council shall make a final ruling on the appeal within twenty days of the hearing. The public works director's decision, action or determination shall remain in effect during such period of reconsideration except that any surcharges assessed under this article will be stayed until the city council has made it's decision.

13.08.276 Violation-Infraction.

In addition to the surcharge enforcement procedures and surcharges set forth in this article for the wasting of water, any person who wastes water, as defined in Section 13.08.230 in this article, may also be charged with an infraction by the citation process established by the city. (Prior code 26-26)

13.08.300 Emergency Water Conservation-Purpose

The purpose of emergency water conservation is to assist meeting water pressure and/or supply demands when the water system cannot or may not be adequate and the failure to meet such demands may result in harm to the water system and/or jeopardize the health and safety of the public. The public works director or a designated representative shall determine the degree of emergency and determine what additional restrictions of water use or other appropriate actions must be taken to protect the water system and the citizens of Lodi.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this day of

DAVID M. HINCHMAN
Mayor

Attest:

ALICE M. REIMCHE
City Clerk

=====

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No.1510 was introduced at a regular meeting of the City Council of the City of Lodi held April 3, 1991 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 1991 by the following vote:

Ayes: Council Members -
Noes: Council Members -
Absent: Council Members -
Abstain: Council Members -

I further certify that Ordinance No. 1510 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to Form

BOBBY W. McNATT
City Attorney

PORTION OF MINUTES
from
March 6, 1991 Council Meeting

On motion of Mayor Pro Tempore Pinkerton, Snider second, the City Council took the following actions pertaining to the subject Water Conservation Program within the City of Lodi:

- a) Directed staff to study an increasing block rate as part of any future rate studies;
- b) Directed staff to prepare a plan for metering all new residential customers;
- c) Directed staff to study a residential retrofit program;
- d) Directed staff to prepare an ordinance which will require all new vehicle washing facilities to use water conserving practices including reclaiming water;
- e) Directed staff to develop a program for metering and charging for all construction water from fire hydrants;
- f) Directed staff to prepare a water efficient landscape ordinance for adoption prior to January 1, 1993; and
- g) Directed staff to study the possibilities of making available construction water from Lodi Lake, Woodbridge Irrigation District, storm pumping stations, Mokelumne River, and the White Slough Water treatment facilities.

Further, the City Attorney was directed to proceed with amending the Lodi Municipal Code thereby establishing the hours of 10:00 a.m. to 6:00 p.m. in which no landscape watering is permitted. This would be effective May 1 and continue through September 30. Further, the City Council approved requiring users with large irrigated areas (i.e., festival grounds, golf range, Caltrans, Lodi Unified School District, and the City of Lodi) to submit an irrigation plan by May 1, 1991 to reduce water consumption by at least 25%.

Further, the City Council continued the consideration of eliminating Sunday as a landscape watering day, to allow for additional public input and further review of the matter at a future Shirtsleeve Session.

CC-149

CITY COUNCIL

DAVID M. HINCHMAN, Mayor
JAMES W. PINKERTON, Jr.
Mayor Pro Tempore
PHILLIP A. PENNINO
JACK A. SIEGLOCK
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

BOB McNATT
City Attorney

April 8, 1991

SUBJECT: Water Conservation

This being the fifth year of drought and with the rapidly declining water levels in the Lodi's wells, a conscious effort to conserve water is required by all.

In an effort to conserve water and to comply with San Joaquin County's Urban Water Conservation Plan the Lodi City Council has directed the Public Works Department to ask all water users with high ratios of irrigated areas to submit a water conservation plan that will reduce their irrigation water use by at least 25% from 1990's use. This plan is to be submitted to: City of Lodi, Frank Beeler, 1331 South Ham Lane, Lodi, California 95242, by May 1, 1991.

Per your phone conversation with our office, the following ideas may be included in your plan: reduction in watering times and days including accounting for changes in the weather, i.e., one watering per week or less during winter, no watering during and following rains; replacement of sprinkler heads to more efficient sprinkler heads; raising the height of the mowers blades which encourages deeper, more drought-tolerant roots and will help the lawn retain the water longer and thereby require less water; replacing plants lost in the freeze with drought tolerant plants. These, along with other ideas you have, may be included in the plan.

If there are any questions please call me at 333-6740 or the Water Conservation Officer Ms Holly Jones at 339-9026.

Frank Beeler
Assistant Water/Wastewater Superintendent

FB/haj

cc: City Council Members

0491WB.04

Lodi Grape Festival
Attention: Graham Stewart
413 East Lockeford Street
Lodi, CA 95240

Lodi Unified School District
Attention: Rick Hughes
815 West Lockeford Street
Lodi, CA 95240

City of Lodi
Attention: Glen Baltzer
1331 South Ham Lane
Lodi, CA 95242

California Department of Transportation
Attention: Larry Sheilds
P.O. Box 2048
Stockton, CA 95201

Lodi Driving Range
Attention: George Sakurai
351 East Lockeford Street
Lodi, CA 95240

GC 149

NOTICE

The Lodi City Council will be discussing water conservation
at two public meetings in the Carnegie Forum,
305 West Pine Street, Lodi.

Tuesday, April 2, 1991 at 7:00 a.m.

Wednesday, April 3, 1991 at 7:30 p.m.

For further information, call the City Clerk's office
at 333-6702

Note: Please run normal bordered ad (2" col. x 2")



CITY OF LODI

CARNEGIE FORUM
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: April 3, 1991

Time: 7:30 p.m.

For information regarding this Public Hearing
Please Contact:

Alice M. Reimche
City Clerk
Telephone: 333-6702

NOTICE OF PUBLIC HEARING

April 3, 1991

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) recommended changes of the Lodi Municipal Code Chapter 13.08 et seq. relating to water service and water wasting.

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.


If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:


Alice M. Reimche
City Clerk

Dated: March 20, 1991

Approved as to form:


Bobby W. McNatt
City Attorney